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September 9, 2002

To: U.S. Patent & Trademark Office  
Washington D.C. 20231

Re: U.S. Patent Application No. 09/757,855  
Inventor: Rabello

I, Marcia A. Devon, declare as follows:

1. I am a patent attorney duly licensed to practice before the U.S. Patent & Trademark Office under Reg. 31, 947. I represent Billy Pak Rabello in connection with the above-referenced application.
2. I received a Notice to File Corrected Application Paper on February 28, 2001. I responded on April 11, 2001 to the Notice by filing another copy of the application with the Claims beginning on a separate page.
3. I also sent a copy of the Abstract on a separate page. However, I noted in my April 13, 2001 letter that the application as originally filed had the Abstract on a separate page.
4. On April 13, 2001, I mailed to the USPTO the following as noted in my postcard (copy attached) which was stamped received by the USPTO on April 16, 2001:
  - (i) Patent Application with Claims beginning on separate sheet and Abstract on separate page
  - (ii) Copy of Notice to File Corrected Application
  - (iii) Letter from M.Devon dated 4/13/01 Requesting Corrected Filing Receipt
5. On October 30, 2001, I sent a Notice of Change of Address for the present case notifying the USPTO of my recent change of address. (A copy is attached hereto) I also notified the Office of Enrollment and Discipline of the USPTO of my change of address. I later applied for and received a customer number of 000033303 in June, 2002.
6. Approximately 6 weeks ago, I was concerned because I had not received a first Office Action on the Rabello patent application referenced herein. I telephoned a customer service number, spoke to a woman, and was advised that the application was pending awaiting a response. I

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inquired whether she meant a responsive action from the Examiner. The woman in customer service replied in the affirmative.

7. I received a Notice of Abandonment of the present application on September 5, 2002. The Notice had been forwarded from my prior address.

8. I immediately telephoned the USPTO and was faxed the Notice to File Corrected Application Papers mailed May 25, 2001. The Notice was identical to the one I had already responded to on April 13, 2001. I do not understand why I was sent two identical Notices to File Corrected Application, nor do I understand why I was sent a Notice indicating that the Abstract was not on a separate page when the originally-filed application had the Abstract on a separate page already.

9. Applicant respectfully submits that the application should not have been abandoned and was certainly not abandoned due to any fault of Applicant's.

10. The undersigned understands that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Dated: September 9, 2002



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Attorney for Applicant